

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 965 of 2008

**Munni Devi Prasad & Ors.
Versus
United India Insurance Co. Ltd. & Anr.**

For the Appellants : Mr. Niranjana Maity

For the Respondent No.1/
Insurance co. : Mr. Rajesh Singh

Heard on & Judgment on : 25th September, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been filed against the judgment and award dated 4th August, 2006 passed by the Learned Judge, Motor Accident Claims Tribunal, South 24 Paraganas Alipore in M.A.C. Case No. 167 of 2006 under Section 166 of the Motor Vehicles Act.
3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants on account of the death of the victim

in an accident which occurred on 18th February, 2004 at 10.10 hours at Kheyada Road near Khurigachi Jantipara within the jurisdiction of Sonarpore Police Station with the involvement of an offending vehicle being Matador bearing registration No. WMV-2072 which proceeding at an excessive speed, rashly and negligently hit the victim resulting in his death as consequence thereof.

4. Learned Advocate representing the appellants/claimants submitted the Learned Tribunal to have assessed a sum of Rs. 15,000/- to be yearly income of the victim which had been inadequate. Moreover, the future prospect considering the age of the victim to be 36 years should have been 40% of the assessed annual income. Moreover, the general damages had not been granted.
5. The Learned Advocate representing the respondent No.1/Insurance Company submitted the Learned Tribunal had considered the multiplier of '16' instead of '15' considering the age of the victim to be 36 years.
6. Since, the occurrence of the accident, involvement of the offending vehicle, driving licence, route permit and insurance policy etc. have not been disputed by the Learned Advocate representing the respondent No.1/insurance company, this Court

restricts itself only to the extent of issues agitated by the respective parties. Considering the fiscal index prevalent in the year 2006 the monthly income should have been considered to be notionally to the tune of Rs. 3000/- per month. The age of the victim being 36 years on the date of the accident the multiplier should have been '15' instead of '16'.

7. Considering the observations of the Hon'ble Apex Court in National insurance company Ltd. Vs. Pranay Shetty & Anr¹ and Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr.² The impugned award of Rs. 1,69,500/- is modified as follows:

Monthly Income	Rs. 3000/-
Future Prospect to be added(40%)	Rs 1200
	Rs. 4,200/-
	x 12
Annual income	Rs. 50,400/-
	Rs. 12,600/-
1/4 th Personal Expenses	
Multiplier to be "15"	Rs. 37,800/-
	X 15
	Rs. 5,67,000/-
General Damages	Rs. 84,000/-
Less	Rs. 6,51,000/-
	Rs. 1,69,500/-
Entitlement	Rs. 4,81,500/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 1,69,500/-
The appellants/claimants are entitled to a sum of Rs. 4,81,500/-

1 2017(4)TAC 673(S.C)

² (2009) 6 SC 121

along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application till the date of realization. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors.³. The appellants/claimants are to provide the details of Bank Accounts held in the name of the appellants/claimants at the office of the Learned Registrar General, High Court at Calcutta for disbursement of the compensation amount.

9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 4,81,500/- along with interest as aforesaid before the office of the learned Registrar General High Court at Calcutta within two months from the date of passing of this order.
10. The office of the Learned Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the same directly to the bank account of the present appellants/claimants as mentioned in the impugned judgment and award passed by the Learned Judge, Motor Accident Claims Tribunal, South 24 Paraganas Alipore in M.A.C. Case No. 167 of 2006 under Section 166 of the Motor Vehicles Act on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
11. The instant appeal is disposed of accordingly.

³ 2025 INSC 361

12. The pending applications, if any, stands disposed of.
13. The TCR be sent down to the concerned Tribunal forthwith.
14. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

c.m. AR. Ct.